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HIGH COURT OF CHHATTISGARH AT BILASPUR

S.B. : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION (S) No. 3986 of 2005

PETITIONER : Ms. Bimla Dahria, D/o Shri Bishram Singh Dahria, aged about 45 years, Working as Lady Health Visitor, (LHV), Civil Hospital, Kharsiya, District Raigarh (Chhattisgarh)

VERSUS

RESPONDENTS :

1. State of Chhattisgarh, Through the Secretary, Department of Health and Family Welfare, Mantralaya, D.K.S. Bhawan, Raipur (Chhattisgarh).
2. Director, Health Services, Raipur (Chhattisgarh)
3. Chief Medical & Health Officer, District Raigarh (Chhattisgarh)
4. Officer Incharge, Civil Hospital, Kharsiya, District Raigarh (Chhattisgarh)
5. Smt. Vibha Topno, Staff Nurse, Community Health Centre, Chable, District Raigarh (Chhattisgarh)

Present: Shri Anupam Dubey, Advocate for the petitioner.
Shri Sushil Dubey, Government Advocate for the State/respondents 1 to 4.
None for respondent no. 5.

ORDER

(Passed on 16th March 2007)

1. The petitioner, while working as Lady Healt Visitor in the Civil Hospital, Kharsiya, District, Raigarh, was transferred to Public

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Health Centre, Chaple, on the same terms and conditions vide impugned order dated 11.07.2001 (Annexure A/1).

2. This Court, vide order dated 20.09.2001 passed in W.P. No. 1556/2001, allowed the petitioner to continue as Lady Health Visitor at Civil Hospital Kharsia. Further, the Madhya Pradesh Administrative Tribunal at Raipur, has also stayed the operation of the impugned order. By virtue of the said orders, the petitioner is continuing at the original place of posting.

3. Be that as it may, with the passage of time this petition has become infructuous as period of transfer is not applicable forever. At this point of time, there is no question to examine the validity of the transfer order. However, the respondents are at liberty to pass appropriate order keeping in view the public interest and administrative exigency, without insisting on compliance of the impugned transfer order.

4. It is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee be posted, keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.

5. In view of the above, this petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Amit